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**IN THE DISTRICT COURT, FIRST JUDICIAL DISTRICT
COUNTY OF LARAMIE, STATE OF WYOMING**

VIOLET NEIGHBORS,
an individual,

Plaintiff,

vs.

Case No. 194-266

TARGET CORPORATION,
a Minnesota Corporation, and
CBL & ASSOCIATES, INC.,
a Tennessee Corporation,

Defendants.

FILED

FEB 18 2021

DIANE SANCHEZ
CLERK OF THE DISTRICT COURT

AMENDED COMPLAINT

COME NOW, the Plaintiff, Violet Neighbors, by and through her attorneys, Jason Johnson and Justin Kallal of DAVIS, JOHNSON & KALLAL, LLC, and after having received written permission from Defendant Target's counsel as required by Wyo. R. Civ. P. Rule 15(a)(2), files her AMENDED COMPLAINT against Defendants Target Corporation and CBL & Associates, Inc., states and alleges the following:

JURISDICTION AND VENUE

1. Jurisdiction in this Court is proper pursuant to Article 5, Section 10, of the Wyoming Constitution, which vests original jurisdiction in all cases and all proceedings in the District Court where jurisdiction is not by law vested exclusively in some other court.

2. Venue is proper in Laramie County because that is where the cause of action, or some part thereof, arose. W.S. § 1-5-109.

GENERAL BACKGROUND

3. Plaintiff, Violet Neighbors ("Neighbors"), is and was at all times relevant to this COMPLAINT, a resident of Laramie County, Wyoming.

4. Defendant, Target Corporation ("Target"), is and was at all times relevant to this COMPLAINT, a Minnesota Corporation operating a retail store in Cheyenne, Wyoming, located at 1708 Dell Range Blvd.

5. Target is the owner of real property located at 1708 Dell Range Blvd. in Cheyenne, Wyoming.

6. Defendant, CBL & Associates, Inc. ("CBL"), is and was at all times relevant to this COMPLAINT, a Tennessee Corporation owning Frontier Square in Cheyenne, Wyoming, located at 1740 Dell Range Blvd.

7. Target's customers access the retail store from the large parking lot located south and south east of the building which is also owned by Target. CBL's property and parking lot is adjacent to and east of Target's parking lot. Target customers regularly and lawfully access Target's property by walking across CBL's property. The opposite is true for CBL's customers and Target's property.

8. On November 22, 2019, a Friday, Ms. Neighbors was lawfully on Target's property shopping.

9. Target's hours of operation on November 22, 2019, were 8 a.m. to 10 p.m. On this date, the sun set at approximately 4:35 p.m. and it was dark in Cheyenne by 5:05 p.m.

10. On November 22, 2019, there was a large pothole approximately four (4) to five (5) feet from the sidewalk and on the asphalt in the parking lot.

11. Upon information and belief, the pothole was partially on Target's property and partially on CBL's property.

12. The pothole was located in a high traffic area for customers entering and exiting Target and CBL's buildings.

13. Neighbors left the store at approximately 6:45 p.m., and it was dark outside.

14. Neighbors began walking to her car.

15. Neighbors parked in CBL's parking lot because part of Target and CBL's parking lot was coned off and because Target was busy due to it being Friday.

16. As Neighbors was heading to her car, she stepped in the pothole, causing her to fall. She suffered catastrophic injuries that will forever affect her life.

17. At the time of Neighbors' injury, she was eighty-seven (87) years old.

18. The dark background of the asphalt, combined with the time of day, car lights affecting vision, and casting shadows, made the pothole impossible for Neighbors to see. The pothole is an unreasonable danger to Target and CBL's customers, including Neighbors.

CAUSE OF ACTION 1: PREMISES LIABILITY

NEIGHBORS v. TARGET

19. Defendant Target is and was responsible on November 22, 2019, for providing its customers with adequate safety measures to ensure customers could safely walk to and from the store.

20. Defendant Target is and was responsible, on November 22, 2019, for ensuring its parking lot and exterior walkways were reasonably free from potholes and other trip hazards, especially in high traffic areas.

21. Defendant Target knew or should have known that the presence of potholes and other trip hazards would present an unreasonable risk of harm to its customers entering and leaving the store.

22. Defendant Target failed to adequately warn customers of known dangers and to remove and/or repair trip hazards on November 22, 2019.

23. Defendant Target violated the following duties to Neighbors:

- a. Failing to notify its customers of known dangers;
- b. Failing to ensure its parking lot and walkways were reasonably free from trip hazards; and
- c. Failing to ensure its parking lot and walkways were reasonably safe to walk through at night.

CAUSE OF ACTION 2: PREMISES LIABILITY

NEIGHBORS v. CBL

24. Defendant CBL is and was responsible on November 22, 2019, for providing the public with adequate safety measures to ensure customers and the public could safely walk on its premises.

25. Defendant CBL is and was responsible, on November 22, 2019, for ensuring its parking lot and exterior walkways were reasonably free from potholes and other trip hazards, especially in high traffic areas.

26. Defendant CBL knew or should have known that the presence of potholes and other trip hazards would present an unreasonable risk of harm to its customers and the public.

27. Defendant CBL failed to adequately warn customers of known dangers and to remove and/or repair trip hazards on November 22, 2019.

28. Defendant CBL violated the following duties to Neighbors:

- a. Failing to notify the public (business invitees) of known dangers;
- b. Failing to ensure its parking lot and walkways were reasonably free from trip hazards; and
- c. Failing to ensure its parking lot and walkways were reasonably safe to walk through at night.

DAMAGES

29. As a direct and proximate result of the negligent acts, omissions and violations of duties owed to the Plaintiff by Target and CBL, the Plaintiff, Violet Neighbors, was seriously injured and has suffered damages, which are above the jurisdictional minimum of this Court, and which include:

- a. Pain and suffering in the past, present, and future;
- b. Loss of enjoyment of life in the past, present, and future;
- c. Permanent disability and/or disfigurement; and
- d. Medical expenses in the past, present, and future.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays the judgment, order and decree of this Court be:

1. That judgment be entered in favor of the Plaintiff and against the Defendants.
2. That the Plaintiff be awarded all damages that are fair and just, in an amount supported by the allegations in this AMENDED COMPLAINT and the evidence adduced at trial.
3. That the Plaintiff be awarded costs and reasonable attorney's fees and for such other and further relief, as the Court deems equitable and proper.

RESPECTFULLY SUBMITTED this 18th day of February, 2021.

VIOLET NEIGHBORS,
Plaintiff



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CERTIFICATE OF SERVICE

The undersign hereby certifies that on this 18th day of February, 2021, a true and correct copy of the foregoing **AMENDED COMPLAINT**, has been sent to the addresses below.

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